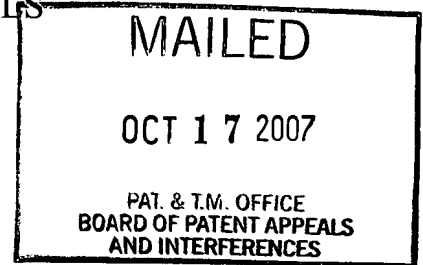


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KARL H. MAURITZ,
DAVID W. FRAME



Application No. 10/609,216

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 1, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On November 16, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 2, heading (8), the examiner relied on the following reference:

Morris

6,862,185

03-2005

Application No. 10/609,216

A review of the file reveals that references Talbot et al. (USPN 2005/0166006), was used in the application of claims 8-13 and 21-26, Jeddeloh et al. (USPN: 2004/0044933) was used in the application of claims 5-6 and 18, Freker (USPN: 6,442,645) was used in the application of claims 27-29, and Nizar et al. (USPN: 6,889,284) was used in the application of claim 30 as stated in the Grounds of Rejection, paragraph (9) of the examiner's answer. The Manual of Patent Examining Procedure, in § 1207.02 states:

(8) *Evidence Relied Upon.* A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of all references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

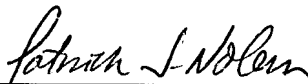
Application No. 10/609,216

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer;
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/dal

cc: BLAKELY, SOKOLOFF, TAYLOR
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